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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 MARK CLIFFORD SYKES, Sui Juris,

CASE NO.: 2:21-cv-01479-RFB-DJA

12 Plaintiff,

13 vs.

**STIPULATION TO EXTEND
DISCOVERY
(First Request)**

14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT OF CLARK COUNTY
NEVADA, et al.,

15 Defendants.
16

17 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
18 cut-off date of April 10, 2024, be continued for a period of sixty-one days up to and including
19 **Monday, June 10, 2024,**¹ for the purpose of allowing the parties to conduct additional written
20 discovery and obtain records from third-party organizations.

21 **I. DISCOVERY COMPLETED TO DATE**

22 Discovery began on November 29, 2023. (Scheduling Order, ECF No. 61). LVMPD

23
24 ¹ Sixty days from April 10, 2024, is Sunday, June 9, 2024. Accordingly, the following Monday, June 10, 2024, would become the discovery cutoff date.

1 Defendants produced their initial disclosures on January 10, 2024. Plaintiff started with written
2 discovery through Requests for Admissions, Interrogatories, and Requests for Production of
3 Documents served to LVMPD Defendants on January 16, 2024. Likewise, LVMPD Defendants
4 served Interrogatories, Requests for Admissions, and Requests for Production of Documents to
5 Plaintiff on January 25, 2024.

6 LVMPD produced a first supplemental disclosure on February 12, 2024. The parties
7 have responded to each others initial written discovery requests.

8 On March 19, 2024, Plaintiff served a second set of Requests for Production of
9 Documents, Requests for Admissions, and Interrogatories to LVMPD Defendants. On March
10 29, 2024, the parties held a meet and confer to address the sufficiency of responses to written
11 discovery. The parties reached an agreement in the form of Plaintiff agreeing to provide
12 supplemental responses to LVMPD Defendants' prior written discovery requests—particularly
13 with regard to information about his prior convictions.

14 **II. DISCOVERY YET TO BE COMPLETED**

15 The parties met and conferred on March 29, 2024, during which Plaintiff agreed to
16 provide supplemental responses to LVMPD Defendants' written discovery requests. Plaintiff
17 requested records for his criminal history through public records requests but has not received
18 responsive documents yet. He intends to produce responsive documents when non-party
19 organizations respond with his requested records.

20 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

21 The Parties submit this Stipulation to Extend Discovery (first request) before the current
22 discovery cutoff date. Accordingly, a standard of “good cause” governs. D. Nev. Local Rule 26-
23 3. Good cause “primarily considers the diligence” of the parties seeking the extension. *Johnson*
24 *v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (explaining that “[t]he district

1 court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the
2 party seeking the extension.”) (internal quotations omitted).

3 Here, the parties engaged in discovery during the time provided by the Court through
4 LVMPD Defendants’ disclosures and written discovery requests. The parties intended to
5 complete all discovery efforts by the current deadline of April 10, 2024. However, the parties
6 engaged in meet-and-confer efforts in March 2024 to resolve the ongoing need for criminal
7 records related to Plaintiff’s prior convictions and records from courts that may have relevant
8 materials. Plaintiff represents that he has requested such records, but has not received responsive
9 documents yet. Additional time for discovery is therefore necessary so that Plaintiff can receive
10 the requested records then produce them to LVMPD Defendants.

11 The parties anticipate that it will take approximately sixty-one more days to obtain and
12 review expected documents as well as a schedule Plaintiff’s deposition. The parties submit that
13 these collective reasons satisfy the applicable good cause standard imposed by Local Rule 26-3
14 for a first extension of discovery.

15 **IV. PROPOSED EXTENDED DEADLINES**

16 The parties respectfully request this Court enter an order as follows:

17 Deadline	Current Date	Proposed New Date
18 Discovery Cut Off	April 10, 2024	June 10, 2024
19 Disclosure of Experts	Expired	Not Extending
20 Disclosure of Rebuttal Experts	Expired	Not Extending
21 Dispositive Motion Deadline:	May 10, 2024	July 9, 2024
22 Pre-Trial Order	June 10, 2024	August 9, 2024

23 **(A) Motions in Limine/Daubert Motions.**

24 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and

served 30 days prior to the commencement of Trial. Oppositions shall be filed and served 14 days thereafter. Reply briefs will be allowed only with leave of the Court.

(B) Pretrial Order.

Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than thirty days after the date set for filing dispositive motions, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be suspended until 30 days after the decision on the dispositive motions or further order of this Court. The disclosures required by FRCP 26(a)(3) and any objections shall be included in the final pretrial order.

(C) Extensions or Modification of the Discovery Plan and Scheduling Order.

In accordance with LR 26-3, applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court not later than 21 days before the expiration of the subject deadline. A request made after the expiration of the subject deadline shall not be granted unless the movant demonstrates that the failure to set was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
- (d) A proposed schedule for completing all discovery.

The parties submit that good cause exists for an additional extension of the discovery deadlines. The parties have acted in good faith and are attempting to complete discovery as

1 expeditiously as possible. This brief extension will not impede this matter and, in fact, will assist
2 all parties to complete all necessary discovery. Trial has not been set and dispositive motions
3 have not been filed yet.

4 DATED this 2nd day of April, 2024.

5 By: /s/ Lyssa S. Anderson

6 Lyssa S. Anderson (SBN 5781)
7 Kristopher J. Kalkowski (SBN14892)
8 1980 Festival Plaza Drive, Suite 650
9 Las Vegas, Nevada 89135
10 *Attorneys for Defendants,*
11 *Las Vegas Metropolitan Department,*
12 *Vanessa Mitchell, and Don'te*
13 *Mitchell*

IT IS SO ORDERED.

DATED this 8th day of April, 2024.


UNITED STATES MAGISTRATE
JUDGE

11 DATED this 8th day of February, 2024.

12 By: /s/ Sykes, Mark K. Sykes

13 Mark Clifford Sykes
14 P.O. Box # 91614
15 Henderson, NV 89009
16 *Plaintiff, Pro Se*

CERTIFICATE OF SERVICE

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **STIPULATION TO EXTEND DISCOVERY (First Request)** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Mark Clifford Sykes
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Plaintiff, Pro Se

Attorneys for the United States of America

DATED this 4th day of April, 2024.

/s/


an employee of Kaempfer Crowell